

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

TJ EDWARD WILSON, JR.,

Plaintiff,

v.

CHEROKEE NATION and
BUREAU OF INDIAN AFFAIRS,

Defendants,

Case No. CIV-20-120-RAW

ORDER

Plaintiff filed this action *pro se*, alleging that the Cherokee Nation received falsified information about his ancestor Ella Littlejohn in violation of 18 U.S.C. § 1001. Plaintiff seeks correction of the records of Ella Littlejohn, land allotments for his deceased family members, enrollment in the Cherokee Nation, monthly payroll checks, and “all else that heirship entails.” Now before the court is the Cherokee Nation’s motion to dismiss for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) and for failure to state a claim pursuant to Rule 12(b)(6) [Docket No. 12].

The court construes liberally the pleadings of all *pro se* litigants. *Hall v. Bellmon*, 93 F2d 1106, 1110 (10th Cir. 1991). A *pro se* party is subject to “the same rules of procedure that govern other litigants.” *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994) (citations omitted). The court will dismiss a *pro se* complaint, however, “only when it appears ‘beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.’” *Andrews v. Heaton*, 483 F.3d 1070, 1076 (10th Cir. 2007)(citing *Haines v. Kerner*, 404 U.S. 519, 521 (1972)).

As the Cherokee Nation points out, 18 U.S.C. § 1001 is a federal criminal statute and no private right of action exists thereunder. *Id.* Additionally, the Cherokee Nation maintains sovereign immunity and this court lacks jurisdiction over disputes regarding its membership rolls. *See Ordinance 59 Ass'n v. United States Dep't of Interior Sec'y*, 163 F.3d 1150, 1156-57 (10th Cir. 1998).

It appears beyond doubt that Plaintiff can prove no set of facts in support of his claim which would entitle him to relief. The court further finds that amendment would be futile. Accordingly, the Cherokee Nation's motion to dismiss [Docket No. 12] is hereby GRANTED. The Cherokee Nation is dismissed from this action.

IT IS SO ORDERED this 16th day of September, 2020.

A handwritten signature in cursive script, reading "Ronald A. White".

**THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA**